

## **California Victim Compensation and Government Claims Board**

### **Open Meeting Minutes**

**September 24, 2004**

The California Victim Compensation and Government Claims Board convened its regular session at the call of Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Friday, September 24, 2004, at 10:00 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Judith A. Kopec, Chief Counsel; Richard Anderson, Chief Deputy Executive Officer; Luisa Park, Deputy Executive Officer, Administration Division; Pamela Schneider, Deputy Executive Officer, Legislation Division; Shirley Ramudo, Chief, Audits and Investigation Branch; and Christina M. Aceituno, Manager, Government Claims Program. Sally Gill, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

The Board voted to adopt the minutes of the August 27, 2004, Board Meeting.

### **EXECUTIVE OFFICER'S STATEMENT**

The Executive Officer reported on the following:

The filing fee is being implemented in the Government Claims Program, which is moving it toward becoming a self sustaining program.

On September 18, 2004, the California September 11<sup>th</sup> Support Group observed the third anniversary of the terrorist attacks. Karen McGagin, Executive Officer, gave welcoming remarks, Windie Scott, Board Member, attended the meeting and offered words of encouragement and support to the survivors and victims of family members. Anita Ahuja, Board Liaison to the September 11<sup>th</sup> Support Group, organized the event, and presented a quilt made by Muslim children offering their support to friends and family who survived the September 11<sup>th</sup> attacks. The quilt was on display at the New York Public Library.

Fran Clader, Public Information Officer, presented the Board members with copies of a new brochure for victims and a job aid for law enforcement agencies. The brochures will be distributed to law enforcement, victim witness centers and restitution centers.

### **LEGISLATION REPORT**

Pamela Schneider, Deputy Executive Officer, Legislation Division, presented the Legislative Report, dated September 13, 2004, and highlighted three bills: Senate Bills 631 and 635, and Assembly Bill 1827.

## **GOVERNMENT CLAIMS PROGRAM**

The Board commenced the Government Claims Program portion of the meeting at 10:15 a.m.

Item 1 The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated September 2, 2004, with the following changes:

Item 33 **Claimant: Grant E. Keller** **G544081**

The claimant requested this claim to be continued to submit additional information.

Item 36 **Claimant: Mary E. Keller** **G544201**

The claimant requested this claim to be continued to submit additional information.

| Total Claims | Claims Rejected | Claims Allowed in Whole or Part | Claims Allowed          |                      | Late Claims |         |
|--------------|-----------------|---------------------------------|-------------------------|----------------------|-------------|---------|
|              |                 |                                 | Paid via Gov. Code §965 | Paid via Claims Bill | Denied      | Granted |
| 238          | 186             | 50                              | 8                       | 42                   | 2           |         |

Item 2 **CLAIMANT: Hydrofocus, Inc.** **G544905**

David Mraz, Program Manager, Bay Delta Levees, Edward Schmit, Senior Engineer, Suisun Marsh, Subsidence Program, and Dolores Collins, Legal Assistant, appeared on behalf of the Department of Water Resources. The Board voted to adopt the staff recommendation to allow the claim in the amount of \$100,697.40 pursuant to Government Code section 965.

Item 3 **CLAIMANT: Northwest Hydraulic Consultants, Inc.** **G546430**

David Mraz, Program Manager, Bay Delta Levees, Edward Schmit, Senior Engineer, Suisun Marsh, Subsidence Program, and Dolores Collins, Legal Assistance, appeared on behalf of the Department of Water Resources. The Board voted to adopt the staff recommendation to allow the claim in the amount of \$178,858.37 pursuant to Government Code section 965.

Item 4 **CLAIMANT: Vanguard Vaults** **G543077**

Melodie Cato, Manager, California Records and Information Management, and Janice King, Assistant Deputy Director, Procurement Division, appeared on behalf of the Department of General Services. The Board requested a letter from the Department of General Services indicating that Vanguard Vaults met all the requirements and were the only qualified bidders, the Board then voted to adopt the staff recommendation to allow the claim in the amount of \$148,964.25 pursuant to Government Code section 965.

Item 5 **CLAIMANT: Exceptional Children's Foundation** **G545395**

David Sharkey, Assistant Chief of Building and Property Management, appeared on behalf of the Department of General Services. The Board voted to adopt the staff recommendation to allow the claim in the amount of \$73,505.00 pursuant to Government Code section 965.

Item 6 Judith A. Kopec, Chief Counsel, presented the "Proposed Decision by a Hearing Officer for Invitation for Bid (IFB) No. 52986 by XPEDX." The Board voted to adopt the hearing officer's proposed decision.

Item 7 The Executive Officer presented the "Per Diem Rates for Members of the State Legislature." The Board voted to adopt the staff recommendation to reduce the rate to \$138.00.

## **VICTIM COMPENSATION PROGRAM**

The Board commenced the Victim Compensation Program portion of the meeting at 10:15 a.m.

Item A<sup>1</sup> The Executive Officer presented the "Relief from Liability for Overpayments in the Victim Compensation Program," and reported on measures implemented to prevent future overpayments. The Board voted to adopt the staff recommendation.

### **REQUESTS FOR RECONSIDERATION**

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 2 through 5, continue request for reconsideration for agenda item number 6, and deny the requests for reconsideration for agenda item numbers 7 through 27.

|                   |                |
|-------------------|----------------|
| <b>6 CLAIMANT</b> | <b>328598V</b> |
|-------------------|----------------|

The Board voted to continue this matter.

|                                     |                                                    |
|-------------------------------------|----------------------------------------------------|
| <b>7 CLAIMANT</b>                   | <b>681624V</b>                                     |
| <b>8 CLAIMANT</b>                   | <b>685081V</b>                                     |
| <b>9 CLAIMANT</b>                   | <b>692436V</b>                                     |
| <b>10 CLAIMANT</b>                  | <b>721240V</b>                                     |
| <b>11 CLAIMANT</b>                  | <b>733864V</b>                                     |
| <b>12 CLAIMANT</b>                  | <b>773328V</b>                                     |
| <b>13 CLAIMANT</b>                  | <b>775141V</b>                                     |
| <b>14 CLAIMANT</b>                  | <b>783031V</b>                                     |
| <b>15 CLAIMANTS</b>                 | <b>784887V, 784937V, 784938V, 785221V, 786452V</b> |
| <b>16 CLAIMANT</b>                  | <b>786501V</b>                                     |
| <b>17 CLAIMANT</b>                  | <b>789669V</b>                                     |
| <b>18 CLAIMANT</b>                  | <b>791327V</b>                                     |
| <b>19 CLAIMANT</b>                  | <b>793861V</b>                                     |
| <b>20 CLAIMANT</b>                  | <b>800198V</b>                                     |
| <b>21 CLAIMANT</b>                  | <b>800233V</b>                                     |
| <b>22 CLAIMANT</b>                  | <b>803999V</b>                                     |
| <b>23 CLAIMANT</b>                  | <b>806292V</b>                                     |
| <b>24 CLAIMANT</b>                  | <b>806652V</b>                                     |
| <b>25 CLAIMANT</b>                  | <b>808756V</b>                                     |
| <b>26 CLAIMANTS</b>                 | <b>810753V, 810779V, 810719V, 810806V</b>          |
| <b>27 CLAIMANT</b>                  | <b>811735V</b>                                     |
| <b>28 This claim was withdrawn.</b> |                                                    |

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn under California Code of Regulations, Title 2, Section 647.35 and action on claims for which a hearing was denied under California Code of Regulations, Title 2, Section 647.20.1 for agenda item numbers 29 through 46.

### **CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))**

Pursuant to Government Code section 11126(c)(3), the Board adjourned into a closed Executive Session with the Board's Chief Counsel and Executive Officer, at 10:35 a.m., to deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into an open session at 10:40 a.m.

### **PROPOSED DECISIONS**

Item 47 **CLAIMANT** **396321V**

The Board voted to adopt the proposed decision.

Item 48 **CLAIMANT** **396724V**

The Board voted to adopt the proposed decision.

Item 49 **CLAIMANT** **574119V**

The Board voted to adopt the proposed decision.

Item 50 **CLAIMANT** **591767V**

The Board voted to adopt the proposed decision.

Item 51 **CLAIMANT** **599940V**

The Board voted to adopt the proposed decision.

Item 52 **CLAIMANT** **625108V**

The Board voted to adopt the proposed decision.

Item 53 **CLAIMANT** **718050V**

The Board voted to adopt the proposed decision.

Item 54 **CLAIMANT** **728339V**

The Board voted to adopt the proposed decision.

Item 55 **CLAIMANT** **744967V**

The Board voted to adopt the proposed decision.

Item 56 **CLAIMANT** **767995V**

The Board voted to adopt the proposed decision.

Item 57 **CLAIMANT** **772918V**

The Board voted to adopt the proposed decision.

Item 58 **CLAIMANT** **775892V**

The Board voted to adopt the proposed decision.

Item 59 **CLAIMANT** **777532V**

The Board voted to adopt the proposed decision.

Item 60 **CLAIMANT** **788909V**

The Board voted to adopt the proposed decision.

Item 61 **CLAIMANT** **788945V**

The Board voted to adopt the proposed decision.

Item 62 **CLAIMANT** **791747V**

The Board voted to adopt the proposed decision.

Item 63 **CLAIMANT** **792783V**

The Board voted to adopt the proposed decision.

Item 64 **CLAIMANT** **796471V**

The Board voted to adopt the proposed decision.

The meeting was adjourned at 10:45 a.m.

KAREN McGAGIN  
Executive Officer

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I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of \_\_\_\_\_ at \_\_\_\_\_, California.

Date: \_\_\_\_\_ By: \_\_\_\_\_

Sally Gill  
Board Liaison

(Affix seal here)